


SEP 24 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DODLEY, CLERK  
BY:   
DEPUTY CLERK

OBADYA HANIFI ABED	)	Civil Case No. 7:01cv00356
	)	Criminal Case No. 7:97cr00024-5
	)	
v.	)	<b><u>FINAL ORDER</u></b>
	)	
UNITED STATES OF AMERICA	)	By: Samuel G. Wilson
	)	United States District Judge

In accordance with this court's memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Abed's motion (ECF No. 13) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion is **DISMISSED without prejudice** as successive; and the case is **STRICKEN** from the active docket.

Further, the court finds that Abed has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

ENTER: This 24<sup>th</sup> day of September, 2013.

  
United States District Judge